

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CITY OF CLARKSON VALLEY, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:04CV301 RWS
)	
NORMAN Y. MINETA, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on the Defendants’ motion to dismiss for lack of standing [#21]. Plaintiffs are the City of Clarkson Valley (“Clarkson Valley”) and its mayor, Scott Douglass. Defendants are Norman Y. Mineta, the Secretary of Transportation of the United States, and Dave Snider, the director of the Missouri Department of Transportation. Plaintiffs seek an order from this Court forcing Defendants to comply with the procedural requirements of the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321, *et seq.*, and 23 U.S.C. § 101, *et seq.* Defendants argue that Clarkson Valley is an organizational plaintiff and that it has not alleged sufficient facts to give rise to federal jurisdiction.

After carefully reviewing the briefs, I find that this is not the appropriate procedural posture to decide this issue. “At the pleading stage, general factual allegations of injury resulting from the defendant's conduct may suffice, for on a motion to dismiss we ‘presum[e] that general allegations embrace those specific facts that are necessary to support the claim.’” Lujan v. Defenders of Wildlife, 504 U.S. 555, 561 (1992) (quoting Lujan v. National Wildlife Federation, 497 U.S. 871, 889 (1990)). The elements required for standing “are not mere pleading requirements but [are] rather an indispensable part of the plaintiff's case, each element must be

supported in the same way as any other matter on which the plaintiff bears the burden of proof, i.e., with the manner and degree of evidence required at the successive stages of the litigation.”

Id. As a result, I will deny the motion as premature. The parties will be allowed to develop the record, and I will decide the issue of standing when the facts of this case are properly before me.

Accordingly,

IT IS HEREBY ORDERED that Defendants’ motion to dismiss for lack of standing [#21] is **DENIED**.

Dated this 13th day of October, 2005.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE